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*Attorney for Defendants Neil Skougard,  
Arnold Van Dugteren, FNU Arrowsmith  
and Ogden City*

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH – CENTRAL DIVISION

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KEVIN IRONS,  
Plaintiff,

vs.

NEIL SKOUGARD, ARNOLD VAN  
DUGTEREN, FNU ARROWSMITH, and  
CITY OF OGDEN  
Defendants.

**DEFENDANTS' MOTION TO CONTINUE  
TRIAL DATES**

Case No. 1:14cv00104  
Judge: Furse

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COME NOW Defendants **NEIL SKOUGARD, ARNOLD VAN DUGTEREN, FNU ARROWSMITH, and OGDEN CITY** (“Defendants”), by and through their undersigned attorney Stephen F. Noel of SMITH KNOWLES, P.C., and respectfully move this Court for a continuance of the trial currently set for October 26-31, 2016.

**I.**

### **RELIEF SOUGHT**

City seeks to continue the currently scheduled trial, inasmuch as it conflicts with another trial set for the same dates involving the undersigned counsel.

### **II.**

### **STATEMENT OF FACTS**

1. The trial in this matter (the “Federal Case”) currently is set for October 26-31, 2016.
2. The undersigned counsel represents two entities in another matter, titled *Schoonover and Peterson v. Benedica, Lewcon, McCullough, Aquatic, Aquatic Holdings and Sterling*; Civ. No. 130400594, Fourth Dist. Ct. Utah. (the “State Case”)
3. A ten day jury trial has been set in the Schoonover Case for October 12, 13, 14, 17, 19, 20, 24, 26 and 27, 2016.
4. Given the number of parties and attorneys, expert witnesses, etc., it was very difficult to schedule the trial in the Schoonover Case. Accordingly, moving it will prove to be very difficult.

**III.**

**ARGUMENT**

The Federal Case, while not less important, effectively only involves two parties and two attorneys. It is also fewer days than the State Case. With several months before trial in the Federal Case, it is likely the parties and Court may have better success in moving it. No one will be prejudiced, except for the delay, unless the Court is able to move it to an earlier date, which the undersigned does not oppose, subject to the parties' availability.

The Defendants respectfully request that the trial in this matter be continued to another date in order to avoid a conflict with Defense Counsel's trial schedule.

DATED this 17th day of March, 2016.

SMITH KNOWLES, P.C.

/s/ Stephen F. Noel  
Stephen F. Noel  
Attorney for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on this 17th day of March, 2016, I filed the foregoing pleading electronically through the CM/ECF system. I certify that on such date I served the foregoing pleading on the following parties by electronic means through the CM/ECF system:

Tyler B. Ayres  
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Draper, UT 84020

/s/ Tracy Hunsaker  
Shannon Hoopes  
Legal Assistant